

REMARKS/ARGUMENTS

The Applicants hereby thank the Examiner for the observations in the outstanding Final Office Action. Claims 1, 2, 5, 7, 9, 11, 15, 17, and 20 are herein amended to better encompass the full scope and breadth of the present invention, notwithstanding the Applicants' belief that the Claims would have been allowable as originally filed. The Applicants respectfully assert that no claim has been narrowed within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.* (Fed.Cir. November 29, 2000). Therefore, reconsideration of the present application in light of the foregoing amendment and these remarks is respectfully requested. However, should any remaining issues be outstanding, the Examiner is respectfully requested to telephone Mr. Thomas F. Lebens at (805) 781-2865 so that such issues may be expeditiously resolved.

I. Rejection of Claims 1-8 and 15-20 under 35 U.S.C. §103(a)

Claims 1-8 and 15-20 stand rejected, under 35 U.S.C. § 103(a), as being unpatentable over Knudson et al. (US 7386871), in view of Ahmad et al. (US 6263507), and in further view of McCoskey (US 2003/0028889). The Applicants respectfully traverse these grounds for rejection on this basis.

Independent Claims 1 and 15 are herein generally amended by deleting "at least one parameter selected from a group consisting essentially of a content nature uniqueness, a viewer identification, and a keyword" and by inserting "a content nature uniqueness" after "recommendation based on[.]" Illustrative dependent Claim 20 is herein generally amended by inserting "wherein the at least one recommendation based on at least one further parameter selected from a group consisting essentially of a viewer identification and a keyword." These amendments are fully supported by the priority document (US 60/520,752, p. 10, ll. 18-23).

With respect to the primary cited reference under this ground for rejection, Knudson merely discloses: "A program guide system is provided in which an interactive television program guide

that is implemented at least partially on user television equipment receives program listings data and real-time data such as sports scores, news data, and the like. The real-time data may be stored in a database maintained by the program guide, so that the program guide may access the stored real-time data at a later time. Updated program listings information may be provided to the program guide as part of the data stream in which the real-time data is provided. Unique keys may be generated for the program listings data and real-time data associated with each live event. The keys may be compared at the program guide to determine which program listings correspond to which items of real-time data. A controllable ticker may be displayed on top of a television program on the user television equipment. The controllable ticker may be sponsored. Different types of real-time data may be assigned different expiration times. When data has expired it may be removed from the database.” (Abstract).

With respect to the secondary cited reference under this ground for rejection, Ahmad merely discloses: “The invention facilitates and enhances review of a body of information (that can be represented by a set of audio data, video data, text data or some combination of the three), enabling the body of information to be quickly reviewed to obtain an overview of the content of the body of information and allowing flexibility in the manner in which the body of information is reviewed. In a particular application of the invention, the content of audiovisual news programs is acquired from a first set of one or more information sources (e.g., television news programs) and text news stories are acquired from a second set of one or more information sources (e.g., on-line news services or news wire services). In such a particular application, the invention can enable the user to access the news stories of audiovisual news programs in a random manner so that the user can move quickly among news stories or news programs. The invention can also enable the user to quickly locate news stories pertaining to a particular subject. Additionally, when the user is observing a particular news story in a news program, the invention can identify and display related news stories. The invention can also enable the user to control the display of the news programs by, for example, speeding up the display, causing a summary of one or more news stories to be displayed, or pausing the display of the news stories. Additionally, the invention can indicate to the user which news story is currently being viewed, as well as which news stories have previously been viewed.” (Abstract).

With respect to the tertiary cited reference under this ground for rejection, McCoskey et al. actually discloses: “A system for searching, packaging and delivering content using an aggregator is described. The aggregator processes requests, searches, provides search results and acquires content. The aggregator, operating in a communications network, includes a request and results processing server, a search engine server coupled to the request and results processing server and a content acquisition server coupled to the request and results processing server. A request and results processing server receives a request for content, the search engine server searches for the content and the content acquisition program acquires content for delivery to the user. The request and results processing server includes a search request processor that receives information related to a user's search request and provides the information to a search results form builder that creates an electronic search request. The search request may be augmented by using a content suggestion engine to add additional search terms and descriptions to the search request. The aggregator may also include a decoder that decodes program content and program metadata from remote sources for storage at the aggregator, and an encoder that encodes content metadata and programs for delivery to the user. The aggregator may also comprise one or more crawlers, such as a content crawler, to look for program content in one or more digital communications networks.” (Abstract).

Noteworthy is that the newly cited reference, McCoskey, does not teach, suggest, or motivate, either expressly or implicitly, its aggregator is being even capable of performing a **simultaneous consideration of content across a plurality of media in a plurality of data formats**. McCoskey merely discloses that the “aggregator may also comprise one or more crawlers, such as a content crawler, to look for program content in one or more digital communication networks” (Abstract). McCoskey never discloses that these crawlers actually perform their functions simultaneously (Paras. 92 and 97), notwithstanding the Examiner's belief that a plurality of crawlers would somehow behave in a contemporaneous manner. McCoskey never discloses that the aggregator comprises a “smart filter” per se anywhere in the reference.

Additionally, although McCoskey teaches a “content suggestion engine,” nowhere does the reference ever teach, or even imply, that such “content suggestion engine” is in any way “enhanced” (Figs. 14a and 14b; Paras. 97 and 98) or that it is in any way **searches and analyzes content for its unique nature as claimed in the present invention**. McCoskey also merely teaches the selection of programming in terms of “content format,” not actual “data” format. Although McCoskey teaches reformatting a searched piece of content (searched on other bases), McCoskey does not teach, suggest, or motivate, any filter selection criteria based on a plurality of different sources and a plurality of different data formats in the manner of the present invention. Furthermore, the search criteria of McCoskey do not comprise two or more of a programming network identifier, an indication of source, a network call sign for a station, a broadcast starting time, a broadcast stopping time, a description of the content, information pertaining to the content, an indication of a bearer medium, a sample of the content, a promotional sample of the content, a previously prepared trailer, and a preview of the content resulting in an ability to make a recommendation based on a **content nature uniqueness**.

In contrast to the cited art, the present invention involves the following salient features, *inter alia*: “providing at least one **smart filter** for facilitating determination of a particular one of the discrete selectable items of data, the at least one smart filter providing step comprising providing an **enhanced suggestion engine** for making at least one **recommendation based on a content nature uniqueness**, the at least one smart filter providing step comprising providing **each at least one smart filter being customizable for each at least one user**, wherein the at least one **smart filter simultaneously considers content across a plurality of media**, thereby providing a coordinated joint display comprising a plurality of integrated results, the plurality of integrated results comprising an aggregate pool of candidate viewing choices being reducible on a basis of filter selection criteria from at least one element selected from a group consisting essentially of a **plurality of different sources and a plurality of different data formats**[.]”

Accordingly, the Applicants respectfully submit that the cited art does not teach, suggest, motivate, or otherwise obviate, in any other manner, the combination of elements and limitations, *inter alia*, as respectively recited by herein amended independent Claims 1 and 15:

1. A method of automatically displaying content to at least one user, comprising:
 - providing access to a plurality of characterizing descriptors as individually correspond to a plurality of discrete selectable items of data;
 - on a display comprising a two-dimensional display region,
 - simultaneously providing a plurality of discrete indicators within the two-dimensional display region for at least some of the discrete selectable items of data, which discrete indicators comprise at least a portion of a plurality of characterizing descriptors as corresponds to the discrete selectable items of data;
 - providing a segregated display area within the two-dimensional display region; and
 - automatically causing relative movement as between the segregated display area and the plurality of discrete indicators by changing position along a dimension of the two-dimensional display region of one of the segregated display area and the plurality of discrete indicators;
 - providing at least one smart filter for facilitating determination of a particular one of the discrete selectable items of data, the at least one smart filter providing step comprising providing an enhanced suggestion engine for making at least one recommendation based on a content nature uniqueness, the at least one smart filter providing step comprising providing each at least one smart filter being customizable for each at least one user,
 - wherein the step of providing the at least one smart filter comprises providing at least two user-selectable characterizing descriptor filters,
 - wherein the step of providing the at least two user-selectable characterizing descriptor filters comprises providing the descriptor filters in a relationship selected from a group consisting essentially of a shared common filter criteria set and a mutually exclusive filter criteria set, and
 - wherein the at least one smart filter providing step comprises simultaneously considering content across a plurality of media, thereby providing a coordinated joint display comprising a plurality of integrated results, the plurality of integrated results comprising an aggregate pool of candidate viewing choices being reducible on a basis of filter selection criteria from at least one element selected from a group consisting essentially of a plurality of different sources and a plurality of different formats; and
 - automatically displaying additional content as corresponds to the plurality of characterizing descriptors for a given one of the discrete indicators as interacts in a predetermined way, at least in part, with the segregated display area. [Emphasis added.]
15. An interactive automatic data display system for at least one user, comprising:
 - a plurality of characterizing descriptors as individually correspond to a plurality of discrete selectable items of data;
 - at least one smart filter for facilitating determination of a particular one of the plurality of discrete selectable items of data, the at least one smart filter comprising an enhanced suggestion engine for making at least one recommendation based on a content nature uniqueness, each at least one smart filter being customizable for each at least one user,
 - wherein the at least one smart filter comprises at least two user-selectable characterizing descriptor filters,
 - wherein the at least two user-selectable characterizing descriptor filters comprise a relationship selected from a group consisting essentially of a shared common filter criteria set and a mutually exclusive filter criteria set, and
 - wherein the at least one smart filter simultaneously considers content across a plurality of media, whereby a coordinated joint display, comprising a plurality of integrated results, is provided, the plurality of integrated results comprising an aggregate pool of candidate viewing

choices being reducible on a basis of filter selection criteria from at least one element selected from a group consisting essentially of a plurality of different sources and a plurality of different formats; and

control circuitry that:

displays a plurality of discrete indicators within a two-dimensional display region for at least some of the plurality of discrete selectable items of data, which a plurality of discrete indicators comprise at least a portion of the characterizing descriptors as corresponds to the plurality of discrete selectable items of data;

provides a segregated display area within the two-dimensional display region;

automatically causes relative movement as between the segregated display area and the plurality of discrete indicators by changing position along a dimension of the two-dimensional display region of one of the segregated display area and the plurality of discrete indicators; and

automatically displays additional content as corresponds to the plurality of characterizing descriptors for a given one of the discrete indicators as interacts in a predetermined way, at least in part, with the segregated display area. [Emphasis added.]

Consequently, Claims 2-8 and 16-19 now subsume the limitations of their respective base claims by dependency thereto.

Thus, the Applicants respectfully submit that Claims 1-8 and 15-20 have not been taught, suggested, motivated, or otherwise obviated by the cited art. Therefore, the Applicants respectfully request that the grounds for rejection on this basis are withdrawn and that Claims 1-8 and 15-20 are passed to allowance in due course.

II. Rejection of Claims 9-14 under 35 U.S.C. §103(a)

Claims 9-14 have been previously rejected, under 35 U.S.C. § 103(a), as being unpatentable over Knudson et al. (US 7386871), in view of Ahmad et al. (US 6263507), and in further view of Reisman (US 2004/0031058) and McCoskey (US 2003/0028889). The Applicants respectfully traverse these grounds for rejection on this basis.

Independent Claim 9 is herein generally amended by deleting “at least one parameter selected from a group consisting essentially of a content nature uniqueness, a viewer identification, and a keyword” and by inserting “a content nature uniqueness” after “recommendation based on[.]” These amendments are fully supported by the priority document (US 60/520,752, p. 10, ll. 18-23).

With respect to the primary cited reference under this ground for rejection, Knudson merely

discloses: “A program guide system is provided in which an interactive television program guide that is implemented at least partially on user television equipment receives program listings data and real-time data such as sports scores, news data, and the like. The real-time data may be stored in a database maintained by the program guide, so that the program guide may access the stored real-time data at a later time. Updated program listings information may be provided to the program guide as part of the data stream in which the real-time data is provided. Unique keys may be generated for the program listings data and real-time data associated with each live event. The keys may be compared at the program guide to determine which program listings correspond to which items of real-time data. A controllable ticker may be displayed on top of a television program on the user television equipment. The controllable ticker may be sponsored. Different types of real-time data may be assigned different expiration times. When data has expired it may be removed from the database.” (Abstract).

With respect to the secondary cited reference under this ground for rejection, Ahmad merely discloses: “The invention facilitates and enhances review of a body of information (that can be represented by a set of audio data, video data, text data or some combination of the three), enabling the body of information to be quickly reviewed to obtain an overview of the content of the body of information and allowing flexibility in the manner in which the body of information is reviewed. In a particular application of the invention, the content of audiovisual news programs is acquired from a first set of one or more information sources (e.g., television news programs) and text news stories are acquired from a second set of one or more information sources (e.g., on-line news services or news wire services). In such a particular application, the invention can enable the user to access the news stories of audiovisual news programs in a random manner so that the user can move quickly among news stories or news programs. The invention can also enable the user to quickly locate news stories pertaining to a particular subject. Additionally, when the user is observing a particular news story in a news program, the invention can identify and display related news stories. The invention can also enable the user to control the display of the news programs by, for example, speeding up the display, causing a summary of one or more news stories to be displayed, or pausing the display of the news stories. Additionally, the invention can indicate to the user which news story is currently being viewed, as well as which news stories have previously been viewed.” (Abstract).

With respect to the tertiary cited reference under this ground for rejection, Reisman merely discloses: “Systems and methods for navigating hypermedia using multiple coordinated input/output device sets. Disclosed systems and methods allow a user and/or an author to control what resources are presented on which device sets (whether they are integrated or not), and provide for coordinating browsing activities to enable such a user interface to be employed across multiple independent systems. Disclosed systems and methods also support new and enriched aspects and applications of hypermedia browsing and related business activities.” (Abstract).

With respect to the quaternary cited reference under this ground for rejection, McCoskey et al. actually discloses: “A system for searching, packaging and delivering content using an aggregator is described. The aggregator processes requests, searches, provides search results and acquires content. The aggregator, operating in a communications network, includes a request and results processing server, a search engine server coupled to the request and results processing server and a content acquisition server coupled to the request and results processing server. A request and results processing server receives a request for content, the search engine server searches for the content and the content acquisition program acquires content for delivery to the user. The request and results processing server includes a search request processor that receives information related to a user's search request and provides the information to a search results form builder that creates an electronic search request. The search request may be augmented by using a content suggestion engine to add additional search terms and descriptions to the search request. The aggregator may also include a decoder that decodes program content and program metadata from remote sources for storage at the aggregator, and an encoder that encodes content metadata and programs for delivery to the user. The aggregator may also comprise one or more crawlers, such as a content crawler, to look for program content in one or more digital communications networks.” (Abstract).

Noteworthy is that the newly cited reference, McCoskey, does not teach, suggest, or motivate, either expressly or implicitly, its aggregator is being even capable of performing a **simultaneous consideration of content across a plurality of media in a plurality of data formats**. McCoskey merely discloses that the “aggregator may also comprise one or more crawlers, such as a content

crawler, to look for program content in one or more digital communication networks” (Abstract). McCoskey never discloses that these crawlers actually perform their functions simultaneously (Paras. 92 and 97), notwithstanding the Examiner’s belief that a plurality of crawlers would somehow behave in a contemporaneous manner. McCoskey never discloses that the aggregator comprises a “smart filter” per se anywhere in the reference.

Additionally, although McCoskey teaches a “content suggestion engine,” nowhere does the reference ever teach, or even imply, that such “content suggestion engine” is in any way “enhanced” (Figs. 14a and 14b; Paras. 97 and 98) or that it is in any way **searches and analyzes content for its unique nature as claimed in the present invention**. McCoskey also merely teaches the selection of programming in terms of “content format,” not actual “data” format. Although McCoskey teaches reformatting a searched piece of content (searched on other bases), McCoskey does not teach, suggest, or motivate, any filter selection criteria based on a plurality of different sources and a plurality of different data formats in the manner of the present invention. Furthermore, the search criteria of McCoskey do not comprise two or more of a programming network identifier, an indication of source, a network call sign for a station, a broadcast starting time, a broadcast stopping time, a description of the content, information pertaining to the content, an indication of a bearer medium, a sample of the content, a promotional sample of the content, a previously prepared trailer, and a preview of the content resulting in an ability to make a recommendation based on a **content nature uniqueness**.

In contrast to the cited art, the present invention involves the following salient features, *inter alia*: “providing at least one **smart filter** for facilitating determination of a particular one of the discrete selectable items of data, the at least one smart filter providing step comprising providing an **enhanced suggestion engine** for making at least one **recommendation based on a content nature uniqueness**, the at least one smart filter providing step comprising providing **each at least one smart filter being customizable for each at least one user**, wherein the at least one **smart filter simultaneously considers content across a plurality of media**, thereby providing a coordinated joint display comprising a plurality of integrated results, the plurality of integrated results comprising an aggregate pool of candidate viewing choices being reducible on a basis of filter selection criteria

from at least one element selected from a group consisting essentially of a **plurality of different sources and a plurality of different data formats[.]”**

Accordingly, the Applicants respectfully submit that the cited art does not teach, suggest, motivate, or otherwise obviate, in any other manner, the combination of elements and limitations, *inter alia*, as recited by herein amended independent Claim 9:

9. A method of automatically displaying content to at least one user, comprising:
providing access to a plurality of characterizing descriptors as individually correspond to a plurality of discrete selectable items of data;
providing a plurality of user-selectable characterizing descriptor filter criteria;
on a display comprising a two-dimensional display region,
simultaneously providing a plurality of discrete indicators within the two-dimensional display region for at least a portion of the discrete selectable items of data as corresponds to a present selection of a characterizing descriptor filter criterion, which discrete indicators comprise at least a portion of the plurality of characterizing descriptors as corresponds to the plurality of discrete selectable items of data;
providing a segregated display area within the two-dimensional display region; and
automatically causing relative movement as between the segregated display area and the plurality of discrete indicators by changing position along a dimension of the two-dimensional display region of one of the segregated display area and the plurality of discrete indicators;
providing at least one smart filter for facilitating determination of a particular one of the plurality of discrete selectable items of data, the at least one smart filter providing step comprising providing an enhanced suggestion engine for making at least one recommendation based on a content nature uniqueness, the at least one smart filter providing step comprising providing each at least one smart filter being customizable for each at least one user,
wherein the step of providing the at least one smart filter comprises providing at least two user-selectable characterizing descriptor filters,
wherein the step of providing the at least two user-selectable characterizing descriptor filters comprises providing the descriptor filters in a relationship selected from a group consisting essentially of a shared common filter criteria set and a mutually exclusive filter criteria set, and
wherein the at least one smart filter simultaneously considers content across a plurality of media, thereby providing a coordinated joint display comprising a plurality of integrated results, the plurality of integrated results comprising an aggregate pool of candidate viewing choices being reducible on a basis of filter selection criteria from at least one element selected from a group consisting essentially of a plurality of different sources and a plurality of different formats; and
automatically displaying additional content as corresponds to the characterizing descriptors for a given one of the discrete indicators as interacts in a predetermined way, at least in part, with the segregated display area. [Emphasis added.]

Consequently, Claims 10-14 now subsume the limitations of their respective base claim by dependency thereto.

Thus, the Applicants respectfully submit that Claims 9-14 have not been taught, suggested, motivated, or otherwise obviated by the cited art. Therefore, the Applicants respectfully request that

the grounds for rejection on this basis are withdrawn and that Claims 9-14 are passed to allowance in due course.

III. Application Pending More than Five Years under MPEP §§ 707.02 and 708.01

Further, the Applicants respectfully submit that the present application has now been pending for over five years, i.e., **over six (6) years** as of the original filing date, **March 23, 2004**, of the present application. The relevant rules are as follows (MPEP §§ 707.02, 708.01):

707.02 Applications Up for Third Action and 5-Year Applications[R-2]

The supervisory patent examiners should impress their assistants with the fact that the shortest path to the final disposition of an application is by finding the best references on the first search and carefully applying them.

The supervisory patent examiners are expected to personally check on the pendency of every application which is up for the third or subsequent Office Action with a view to finally concluding its prosecution.

Any application that has been pending five years should be carefully studied by the supervisory patent examiner and every effort should be made to terminate its prosecution.

In order to accomplish this result, the application is to be considered "special" by the examiner.

708.01 List of Special Cases [R-2]

37 CFR 1.102 Advancement of examination.

The following is a list of special cases (those which are advanced out of turn for examination):

(A) Applications wherein the inventions are deemed of peculiar importance to some branch of the public service and when for that reason the head of some department of the Government requests immediate action and the *>Director of the USPTO< so orders (37 CFR 1.102).

(B) Applications made special as a result of a petition. (See MPEP § 708.02.)

Subject alone to diligent prosecution by the applicant, an application for patent that has once been made special and advanced out of turn for examination by reason of a ruling made in that particular case (by the Director of the USPTO or a Commissioner) will continue to be special throughout its entire course of prosecution in the U.S. Patent and Trademark Office, including appeal, if any, to the Board of Patent Appeals and Interferences.

(C) Applications for reissues, particularly those involved in stayed litigation (37 CFR 1.176).

(D) Applications remanded by an appellate tribunal for further action.

(E) An application, once taken up for action by an examiner according to its effective filing date, should be treated as special by an examiner, art unit or Technology Center to which it may

subsequently be transferred; exemplary situations include new cases transferred as the result of a telephone election and cases transferred as the result of a timely reply to any official action.

(F) Applications which appear to interfere with other applications previously considered and found to be allowable, or which will be placed in interference with an unexpired patent or patents.

(G) Applications ready for allowance, or ready for allowance except as to formal matters.

(H) Applications which are in condition for final rejection.

(I) Applications pending more than 5 years, including those which, by relation to a prior United States application, have an effective pendency of more than 5 years. See MPEP § 707.02.

(J) Reexamination proceedings, MPEP § 2261.

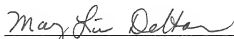
Thus, the Applicants respectfully submit that, since the present application has now been pending for over six (6) years as of the original filing date of the present application, the present application should be treated as “special” by the examiner under MPEP §§ 707.02 and 708.01 and that examination of the present application should be advanced. Therefore, the Applicants respectfully request that the grounds for rejection of the Claims on the foregoing bases are withdrawn and that remaining Claims are passed to allowance in due course.

CONCLUSION

Accordingly, Claims 1, 2, 5, 7, 9, 11, 15, 17, and 20 have been herein amended to better encompass the full scope and breadth of the present invention, notwithstanding the Applicants' belief that the Claims would have been allowable as originally filed. The Applicants respectfully reassert that no claim has been narrowed within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.* (Fed.Cir. November 29, 2000). Therefore, reconsideration of the present application in light of these remarks is respectfully requested. *The Examiner is further cordially invited to telephone Mr. Thomas F. Lebens for any reason which would advance allowance of the pending claims.* In the event that any additional fees become due or payable, the Examiner is authorized to charge USPTO Deposit Account No. 06-1135 accordingly.

Respectfully submitted,

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